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CF 002

**BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR.**

W.P.NO. 2654 /2003

PETITIONER

Datta Electrical Engineering Works
also Written as Dutta Electrical
Engineering Works, through its
partner, Onkar Mahajan, aged
about 58 years son of Late D.K.
Mahajan, 170 Light Industrial
Area, Bhilai-26, Distt. Durg
(Chhattisgarh)

VERSUS

RESPONDENTS

1. National Mineral Development Corporation Limited, Through its Chairman-Cum-Managing Director 10-3-311/A, Castle Hills, Masab Tank, Hyderabad 500028 (A.P.)
2. The General Manager, National Mineral Development Corporation Ltd. , Bailadila Iron Ore Project Deposit 14, Kirandul, Distt. Dantewada (CG) 494556
3. The Deputy General Manager {(E) S} National Mineral Development Corporation Ltd. , Bailadila Iron Ore Project Deposit -14, Kirandul, Distt. Dantewada (CG) 494556

P. R. No. 256/03
Presented by Shri D. R. ... Kashyap
dated 26.06.03

**PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF
INDIA FOR ISSUANCE OF WRIT, ORDER OR/AND DIRECTION
IN THE NATURE OF MANDAMUS, CERTIORARI OR OF ANY
OTHER APPROPRIATE NATURE.**

The petitioner respectfully begs to submit as under:-

- 1) **PARTICULARS OF ABOUT THE PETITIONER**
As per cause title.
- 2) **PARTICULARS OF THE RESPONDENTS**
As per cause title.



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26/6/03
CLERK TO A.G. BILASPUR

MSI

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2654/सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23.01.2004 Shri M.P.S. Bhatia, counsel for the petitioner. Shri P.S. Koshy, counsel for the respondents. Heard both the counsel. By this writ petition under Article 226 of the Constitution of India, the petitioner has challenged the action of the respondents for not accepting the bids/tenders of the petitioner. It is submitted that even the bids of the petitioner were found lowest among the ten tenderers. Return has been filed on behalf of the respondents, in which it is stated that earlier tenders were not found in conformity with the guidelines issued by the Central Government as well as by the Corporate Office, that is why the respondents decided to cancel the earlier tenders and now they have decided to re-invite the tenders and to issue tenders only to those firms which are listed in the ISO documentation and have a satisfactory performance certificate of executing the work for more than one work/project of the respondent organization as per the guidelines. Since the petitioner does not qualify those requirements, therefore, the petitioner has not been notified in the revised bid. Whereas, learned counsel for the petitioner submits that the petitioner qualifies in all respects and he is holder of the ISO 2002 certificate and he is working with so many organizations. He further submits that he has experience certificate of working in more than one project of the respondent organization with the satisfactory performance. In view of the above pleadings of the parties, so far as the cancellation of the previous tenders are concerned, if we look into the notice inviting tenders (Annexure P-2) which was issued to the petitioner, column 11 itself prescribes a condition that "the Corporation reserves the right to accept or	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.2654/सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Soma	reject any tender without indicating any reason or to place order for part or full quantity at its discretion". Therefore, in view of the above condition, the respondents are within the right to cancel all the tenders if they do not conform to the requirements or if the tenders were not issued in conformity with the guidelines issues by the Corporate Office and the Ministry. Now, coming to the re-tender, learned counsel for the respondents submits that the petitioner does not qualify to the guidelines, whereas the counsel for the petitioner submits that the petitioner qualifies with the guidelines. In the given situation, the respondents are directed to issue fresh notice inviting tenders (N.I.T.) to the petitioner inviting his tenders/bids and the respondents will be at liberty to scrutinize the tenders submitted by the petitioner as to whether the petitioner qualifies the terms and conditions of the N.I.T. But the respondents while issuing N.I.T. shall specify all the terms and conditions, which are required for filing in bid documents and in turn, the petitioner, shall file the fresh tender bids and that will be scrutinized by the respondents in order to find out the eligibility of the petitioner to participate in the tender process. With the above observations and directions, the petition stands disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C.BHADOO Judge